

REMARKS

In the Office Action of March 19, 2002, the office rejected claims 1, 3-4, and 6-10 under 35 U.S.C. §103(a) as being unpatentable over Wymore; claim 5 under 35 U.S.C. §103(a) as being unpatentable over Wymore in view of Crumrine. However, the office noted that Wymore does not show any corresponding parts to applicant's element 62-63. Claim 2 was previously canceled.

In regards to the Title of the application

The applicant has amended the title of the application from "FISHING LINE CLAMP" to "FISHING LINE CLAMP SINKER."

In regards to the Claims

Claims 3-11 have been amended. Support for the amendment to claims 3 and 11 can be found on page 11, line 22-27 and in Figures 11 and 12 of applicant's disclosure.

Wymore §103(a) rejection

Applicant's 1, 3-4, and 6-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Wymore.

In regards to claim 1, in the office's rejection of claim 1 the office stated:

"it would have been obvious to provide the cone shaped embodiment of Fig. 4 with curving gripping surfaces as shown in Fig. 1 for the purpose of fixing the line in relation to the sinker." (See page 2, lines 15-17.)

The Applicant disagrees with the above. Figure 1 of Wymore discloses a split spherical sinker, which meshes its teeth 28 and 30 together to keep a fishing line from escaping. (See col. 3, lines 50-52.) Thus, once secured to the fishing line Wymore's split spherical sinker remains in one place. Figure 4 of Wymore discloses a worm weight for bass fishing. The worm weight of Figure 4 confines a fishing line in the center of the worm weight, the fishing line having "enough clearance" to allow the worm weight to slide along the line. (See column 3, lines 57-62.) The applicant submits that combining teeth 28 and 30 of the spherical sinker of Wymore's Figure 1 which is affixed to and grips the line to the bullet shaped worm weight of Wymore's Figure 4 would result in the bullet shaped worm weight of Figure 4 being inoperable for its intended purpose of having a sinker slide along the fishing line for bass fishing.

The applicant further submits that if Wymore teaches that the worm weight embodiment of Figures 4, 5, and 6 is made to "slide on the line" and the sinker embodiment of Figures 1, 2 and 3 are made not to slide on the line, that there is no impetus to combine the two embodiments.

In regards to claim 4, applicant's claim 4 calls for a bullet-shaped clamp having "line gripping surfaces asymmetrical but mateable with each other."

On page 2, lines 20-22, the office took the position that "Wymore shows the body as a single integral member with asymmetrical line gripping surfaces 28, 30." The applicant disagrees with the office's aforementioned position because the spherical-shape of Wymore's split spherical sinker results in symmetrical and not asymmetrical line gripping surfaces as evidenced by Figure 1.

In regards to claim 6, claim 6 calls for a bullet shaped line clamp in which the “body is finger bendable.”

In the office’s rejection of claim 6, the office took the position that “it would have been obvious to employ a finger bendable clamp for the purpose of not needing a pliers to operate the clamp.” (See page 2, line 22 and on page 3, lines 1-2.) The applicant against submits that the issue is not whether “pliers” or any other type of tools can be used a fishing sinker but whether the reference of Wymore teaches that the body of his sinker is “is finger bendable.” The applicant submits that the office is in error. The reference of Wymore does not teach his sinker body as being “finger bendable.”

In regards to claim 9, claim 9 calls for a bullet shaped line clamp having “two asymmetrical jaws extending to a geometric center of said line clamp.” In the office rejection of claim 9, the office took the position that Wymore shows “two asymmetrical jaws 28, 30.” (See page 3, line 4.) First, Wymore does not teach his jaws are asymmetric. Second, the applicant disagrees with the office’s aforementioned position because the spherical-shape of Wymore’s split spherical sinker results in the formation of a pair of identical jaws (as shown in Figures 1-3) and not asymmetrical jaws.

In regards to claim 10, claim 10 calls for a bullet shaped line clamp having:

“a first relief on a top half of the sinker and a second relief on the bottom half of the sinker to permit a user to insert a fingernail or thumbnail thereon to pry apart the sinker if the sinker is in a closed condition.”

In the office rejection of claim 10, the office took the position that Wymore:

“shows first and second relief 24 on the top and bottom of the sinker as shown in Figs. 1, 2 to permit a user to use a fingernail to thumbnail to pry apart the sinker in the closed condition.” (See page 3, lines 6-8.)

The applicant disagrees with the above. Wymore does not teach his sinker as having a first and a second relief “to permit a user to insert a fingernail or thumbnail thereon to pry apart the sinker if the sinker is in a closed condition.” Instead, Wymore teaches that his mouth groove 24 closes upon a line when pressure coupled pressure is applied to his sinker. Once closed, Wymore’s mouth groove 24 does not “permit a user to insert a fingernail or thumbnail thereon to pry apart the sinker.” Instead, Wymore squeezes his top pressure step 34 and his bottom pressure step 36 to return his split spherical sinker to an open condition.

In regards to claims 3 and 11, claims 3 and 11 have been amended to include the aspect of a first thumbnail recess and a second thumbnail recess located at a peripheral edge of the sinker body. Support for the amendment to claims 3 and 11 can be found on page 11, line 22-27 and in Figures 11 and 12 of applicant’s disclosure. Since the reference of Wymore does not disclose a first thumbnail recess and a second thumbnail recess located at a peripheral edge of his sinker, the applicant submits that amended claims 3 and 11 are patentable over the reference of Wymore.

35 U.S.C. 103(a) rejection over combination of Wymore and Crumrine

The office rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over the combination of Wymore and Crumrine. Applicant's claim 5 calls for a bullet shaped line clamp having a body made of "an alloy of bismuth."

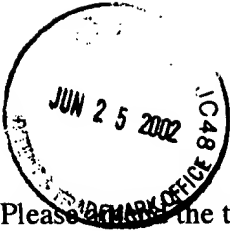
In the office rejection of claim 5, the office took the position that "it would have been obvious to make the sinker of Wymore from bismuth as shown by Crumrine for the purpose of having a non-toxic sinker."

The applicant disagrees with the above. Crumrine teaches a weighted jig head specifically designed for securement to a hook. (See Figures 2-4 and 6.) Wymore teaches a split spherical sinker "which will place less trauma on the line than conventional clamp-on balls" (col. 1, lines 65-66) and a worm weight for bass fishing which "will never require the line to be severed for the purpose of adding or changing worm weights (col. 2, line 5-7). Wymore's split spherical sinker attach to a fishing line through the squeezing action of Wymore's jaws. (See Figures 1-5.) Unlike Wymore, Crumrine's weighted jig head is not secured to his hook through jaw engagement. Instead, Crumrine's weighted jig head is secured to his hook by way of leg 37 and a locking tab 28. (See Figures 2-4 and 6.) It is for the above reasons that the applicant submits that it would not have been obvious to combine the teaching of Wymore with the teaching of Crumrine to a bismuth sinker.

In further regards to applicant's claims 4-10, dependent claims 4-10 each add additional limitation to independent claim 1. Since independent claim 1 is allowable for the above reasons, the applicant submits that dependent claims 4-10 should also be allowable.

In view of the above it is submitted that the application is in condition for allowance. Allowance of claims 1 and 3-11 is requested. Applicant has enclosed a marked-up version of the amendment with this response.

COPY OF PAPERS
ORIGINALLY FILED
VERSION OF AMENDMENTS SHOWING MARKINGS



In the Title

Please amend the title of the application from "FISHING LINE CLAMP" to "FISHING LINE CLAMP SINKER"

In the Claims

Please amend claims as follows:

3. (Twice Amended) The bullet shaped line clamp sinker movable between an open and closed condition comprising:

a body composed of a bendable material, said body being cone shape and having a neutral surface, said body having a first end and a second end with said first end of said body being smaller than the second end of said body with said body having a smoothly converging exterior surface from said first end to said second end to form a streamline shape that inhibits snagging and propeller action as the body is pulled through a fluid;

a first curved gripping surface on said body, said first curved gripping surface undulating through said body to provide a surface free of angled corners to thereby inhibit line damping, said first curved gripping surface extending from said first end to said second end, said first curved gripping surface having at least one surface contouring protrusion, said first curved gripping surface having a portion extending proximate a geometric center of said line clamp;
[and]

a second curved gripping surface on said body said second curved gripping surface undulating through said body to provide a surface free of angled corners to thereby inhibit line

damping, said second curved gripping surface extending from said first end to said second end with said second curved gripping surface including a surface contouring recess mateable with said protrusion to produce a nonlinear path through said resilient body so that when said second curved gripping surface and said first curved gripping surface coact to grasp a line located therein to prevent the slippage of the line therein as the line is squeezed and held therebetween by bending said line clamp around the line;

an integral peripheral hinge connecting the two jaws together, said peripheral hinge having a first line centering surface located at the first end of said line clamp and a second line centering surface located on the second of end of said line clamp, said line centering surface for maintaining said line in a centered condition within said line clamp; [and]

a recess located between said first line centering surface and second line centering surface, said recess allowing said line clamp to require less tension force necessary to open and close the jaws of said line clamp than if said recess did not exist; and

a first thumbnail recess and a second thumbnail recess located at a peripheral edge of said body, said first thumbnail recess and a second thumbnail recess extending inward sufficiently far to allow a user to insert a fingernail or a thumbnail therein.

4. (Twice Amended) The bullet shaped line clamp sinker of claim 1 wherein the body is a single continuous integral member with each of the line gripping surfaces asymmetrical but mateable with each other.

5. (Twice Amended) The bullet shaped line clamp sinker of claim 1 wherein the body is an alloy of bismuth.

6. (Twice Amended) The bullet shaped line clamp sinker of claim 1 wherein the body is finger bendable.
7. (Twice Amended) The bullet shaped line clamp sinker of claim 1 wherein the body is a continuous integral member.
8. (Twice Amended) The bullet shaped line clamp sinker of claim 1 wherein the line clamp has an exterior diverging surface and a set of jaws that extend the entire length of the line clamp.
9. (Twice Amended) The bullet shaped line clamp sinker of claim 1 wherein the line clamp is one piece and includes two asymmetrical jaws extending to a geometric center of said line clamp with said jaws are movable between an open condition and a closed condition by pivoting the jaws.
10. (Twice Amended) The bullet shaped line clamp sinker of claim 1 including a first relief on a top half of the sinker and a second relief on the bottom half of the sinker to permit a user [to insert] to insert a fingernail or thumbnail thereon to pry apart the sinker if the sinker is in a closed condition.
11. (Twice Amended) A bullet shaped line clamp sinker movable between an open and closed condition comprising:

a body composed of bendable material, said body being cone shape and having a neutral surface, said body having a first end and a second end with said first end of said body being smaller than the second end of said body with said body having a smoothly converging exterior surface from said first end to said second end to form a streamline shape that inhibits snagging and propeller action as the body is pulled through a fluid;

a first line gripping surface on a first end of said body, said first line gripping surface

a second line gripping surface on the first end of said body for mating engagement with said first line gripping surface;

a third line gripping surface on said second end of said body, said third line gripping surface spaced from said first line gripping surface;

a fourth line gripping surface on the second end of said body for mating engagement with said third line gripping surface with said first line gripping surface and said second line gripping surface holding a line in a centered condition on the first end of the clamp sinker and the third line gripping surface and the fourth line gripping surface holding the line in a centered condition on the second end of said body; [and]

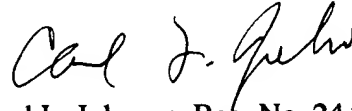
a recess allowing said line clamp to require less tension force necessary to open and close the jaws of said line clamp than if said recess did not exist; and

a first thumbnail recess and a second thumbnail recess located at a peripheral edge of said body, said first thumbnail recess and a second thumbnail recess extending inward sufficiently far to allow a user to insert a fingernail or a thumbnail therein.

Respectfully submitted,

JACOBSON AND JOHNSON

By

A handwritten signature in cursive script, appearing to read "Carl L. Johnson".

Carl L. Johnson, Reg. No. 24,273
Attorneys for Applicant
Suite 285
One West Water Street
St. Paul, Minnesota 55107-2080

Telephone: 651- 222-3775
Fax: 651-222-3776

CLJ/cj